

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

-----X
FRANCES E. HECKER and RICHARD SCHWARTZ,

Plaintiffs,

-against-

LINCOLN CENTER FOR THE PERFORMING ARTS,
INC.,

Defendant.
-----X

ANSWER

10 CV 08761

C O U N S E L O R (S) :

PLEASE TAKE NOTICE, that the defendant, LINCOLN CENTER FOR THE PERFORMING ARTS, INC., by its attorneys, CONNORS & CONNORS, P.C., answering the Verified Complaint herein, states as follows:

AS AND FOR A FIRST CAUSE OF ACTION

1. Denies each and every allegation of the complaint set forth in paragraph 1 except admits that Lincoln Center for the Performing Arts is a not for profit corporation organized and existing by virtue of the laws of the State of New York with a principal place of business located at 70 Lincoln Center Plaza, New York, New York 10023.

2. Denies each and every allegation of the complaint set forth in paragraphs 2, 9, 12, 13, 14, 15, 16, 17.

3. Admits each and every allegation of the complaint set forth in paragraphs 3, 4, 5, 6, 7.

4. Denies any knowledge or information thereof sufficient to form a belief as to the allegations of the complaint set forth in paragraph 8.

5. Denies each and every allegation of the complaint set forth in paragraph 10 to the extent that this paragraph contains conclusions of law which are referred to the Court.

6. Denies each and every allegation of the complaint set forth in paragraph 11 to the extent that this paragraph contains conclusions of law which are referred to the Court.

AS AND FOR A SECOND CAUSE OF ACTION

7. The defendant(s) repeats, reiterates and realleges each and every one of the foregoing admissions and denials made to the paragraphs of the complaint referred to in paragraph "18" thereof with the same force and effect as though here again fully set forth at length.

8. Denies any knowledge or information thereof sufficient to form a belief as to the allegations of the complaint set forth in paragraph 19.

9. Denies each and every allegation of the complaint set forth in paragraph 20.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

That any injuries which may have been suffered by the plaintiff herein, were caused in whole or in part as the result of their own culpable conduct contributing thereto.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

Upon information and belief, plaintiff's economic loss, if any, as specified in the Federal Rules of Civil Procedure, was or will be replaced or indemnified, in whole or in part, from collateral

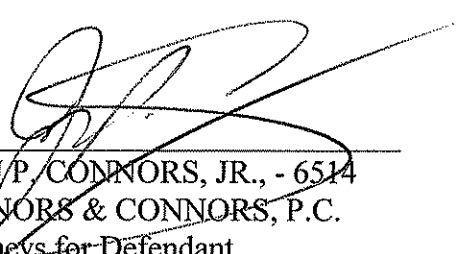
sources, and these answering defendants are entitled to have the court consider the same in determining such special damages as provided in the Federal Rules of Civil Procedure.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

Plaintiff's claim must be reduced by plaintiff's failure to mitigate damages.

WHEREFORE, the answering defendant demands judgment dismissing the complaint on the plaintiff against this defendant, together with costs and disbursements of this action.

Dated: Staten Island, New York
December 6, 2010

By: 
JOHN P. CONNORS, JR., - 6514
CONNORS & CONNORS, P.C.
Attorneys for Defendant
LINCOLN CENTER FOR THE
PERFORMING ARTS, INC.
766 Castleton Avenue
Staten Island, NY 10310
(718) 442-1700
File No.: DLC 24534

TO: RONALD P. BERMAN, ESQ.
Attorney for Plaintiff
110 Wall Street
New York, New York 10005

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing ANSWER was mailed by first class mail, postage prepaid this 8th day of December, 2010 to all counsel of record as indicated below.



JOHN P. CONNORS, JR. (6514)

TO: RONALD P. BERMAN, ESQ.
Attorney for Plaintiff
110 Wall Street
New York, New York 10005

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ANSWER

CONNORS & CONNORS, P.C.

Attorneys for Defendant, LINCOLN CENTER FOR THE PERFORMING ARTS, INC.

Office and Post Office Address, Telephone

766 Castleton Avenue

Staten Island, New York 10310

(718) 442-1700 PHONE

(718) 442-1717 FAX

To

Signature (Rule 120-1.1-a)

Print name beneath

JOHN P. CONNORS, JR.

Attorney(s) for

Service of a copy of the within

is hereby admitted,

Dated,

Attorney(s) for

Please take notice

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on

☐ NOTICE OF SETTLEMENT

that an order
settlement to the HON.
of the within named court, at
on

of which the within is a true copy will be presented for
one of the judges

at M

Dated,

Yours, etc.

CONNORS & CONNORS, P.C.

Attorneys for

Office and Post Office Address

766 CASTLETON AVENUE

STATEN ISLAND, NEW YORK 10310

To

Attorney(s) for